

CONSTITUTION OF THE PHILIPPINES

(As amended by Resolution Numbered Thirty-nine adopted by the Second National Assembly on the fifteenth day of September, nineteen hundred and thirty-nine, and approved by the President of the United States on the tenth day of November, nineteen hundred and thirty-nine, and by Resolution Numbered Seventy-three adopted by the Second National Assembly on the eleventh day of April, nineteen hundred and forty, and approved by the President of the United States on the second day of December, nineteen hundred and forty.)

SUMMARY

Page

PREAMBLE

ARTICLE I.-THE National Territory

II.-Declaration of Principles

III.-Bill of Rights

IV.-Citizenship

V.-Suffrage

VI.-Legislative Department

VII.-Executive Department

VIII.-Judicial Department

IX.-Impeachment

X.-Commission on Elections

XI.-General Auditing Office

XII.-Civil Service

XIII.-Conservation and Utilization of Natural Resources

XIV.-General Provisions

XV.-Amendments

XVI.-Transitory Provisions

XVII.-Special Provisions Effective upon the Proclamation of the Independence of the Philippines

XVIII.-The Commonwealth and the Republic

Ordinance appended to the Constitution

The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a régime of justice, liberty, and democracy, do ordain and promulgate this Constitution.

ARTICLE I.--THE NATIONAL TERRITORY

SECTION 1. The Philippines comprises all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on the seventh day of November, nineteen hundred, and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory, over which the present Government of the Philippine Islands exercises jurisdiction.

ARTICLE II.--DECLARATION OF PRINCIPLES

SECTION 1. The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

SEC. 2. The defense of the State is a prime duty of government.

Def. Doc. # 2310

and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.

SEC. 3. The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as a part of the law of the Nation.

SEC. 4. The natural right and duty of parents in the rearing of the youth for civic efficiency should receive the aid and support of the Government.

SEC. 5. The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State.

ARTICLE III.--BILL OF RIGHTS

SECTION 1. (1) No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

(2) Private property shall not be taken for public use without just compensation.

(3) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

Def. Doc. # 2310

(4) The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired.

(5) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or when public safety and order require otherwise.

(6) The right to form associations or societies for purposes not contrary to law shall not be abridged.

(7) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

(8) No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

(9) No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust shall, without the consent of the Congress of the Philippines, accept any present, emolument, office, or title of any kind whatever from any foreign state.

(10) No law impairing the obligation of contracts shall be passed.

(11) No ex post facto law or bill of attainder shall be enacted.

(12) No person shall be imprisoned for debt or nonpayment of a poll tax.

(13) No involuntary servitude in any form shall exist except as a punishment for crime whereof the party shall have been duly convicted.

(14) The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion, insurrection, or rebellion, when the public safety requires it, in any of which events the same may be suspended wherever during such period the necessity for such suspension shall exist.

(15) No person shall be held to answer for a criminal offense without due process of law.

(16) All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.

(17) In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf.

(18) No person shall be compelled to be a witness against himself.

(19) Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

(20) No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution

Def. Doc. # 2810

for the same act.

(21) Free access to the courts shall not be denied to any person by reason of poverty.

ARTICLE IV.--CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

SEC. 2. Philippine citizenship may be lost or reacquired in the manner provided by law.

ARTICLE V.--SUFFRAGE

SECTION 1. Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption

Def. Dec. # 2810

of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.

ARTICLE VI.--LEGISLATIVE DEPARTMENT

SECTION 1. The Legislative power shall be vested in a Congress of the Philippines, which shall consist of a Senate and a House of Representatives.

SEC. 2. The Senate shall be composed of twenty-four Senators who shall be chosen at large by the qualified electors of the Philippines, as may be provided by law.

SEC. 3. The term of office of Senators shall be six years and shall begin on the thirtieth day of December next following their election. The first Senators elected under this Constitution shall, in the manner provided by law, be divided equally into three groups, the Senators of the first group to serve for a term of six years; those of the second group, for four years; and those of the third group, for two years.

SEC. 4. No person shall be a Senator unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least thirty-five years of age, a qualified elector, and a resident of the Philippines for not less than two years immediately prior to his election.

SEC. 5. The house of Representatives shall be composed of not more than one hundred and twenty Members who shall be apportioned among the several provinces as nearly as may be according to the number of thier respective inhabitants, but each province shall have at least one Member. The Congress shall by law make an apportionment within three years after

the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the House of Representatives shall have the same number of members as that fixed by law for the National Assembly, who shall be elected by the qualified electors from the present Assembly districts. Each representative district shall comprise, as far as practicable, contiguous and compact territory.

SEC. 6. The term of office of the Members of the House of Representatives shall be four years and shall begin on the thirtieth day of December next following their election.

SEC. 7. No person shall be a Member of the House of Representatives unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least twenty-five years of age, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

SEC. 8. (1) Elections for Senators and Members of the House of Representatives shall be held in the manner and on the dates fixed by law.

(2) In case of vacancy in the Senate or in the House of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the Senator or Member of the House of Representatives thus elected shall serve only for the unexpired term.

SEC. 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation of only such subjects as he may designate.

Def. Doc. # 2310

No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

SEC. 10. (1) The Senate shall elect its President and the House of Representatives its Speaker.

Each House shall choose such other officers as may be required.

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner and under such penalties as such House may provide.

(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, expel a Member.

(4) Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

(5) Neither House during the sessions of the Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 11. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief

D. C. Doc. # 2810

Justice, and the remaining six shall be Members of the Senate or of the House of Representatives, as the case may be, who shall be chosen by each House, three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein. The senior Justice in each Electoral Tribunal shall be its Chairman.

SEC. 12. There shall be a Commission on Appointments consisting of twelve Senators and twelve Members of the House of Representatives, elected by each House, respectively, on the basis of proportional representation of the political parties therein. The President of the Senate shall be the Chairman ex officio of the Commission, but shall not vote, except in case of tie.

SEC. 13. The Electoral Tribunals and the Commission on Appointments shall be constituted within thirty days after the Senate and the House of Representatives shall have been organized with the election of their President and Speaker, respectively. The Commission on Appointments shall meet only while the Congress is in session, at the call of its Chairman or a majority of its Members, to discharge such powers and functions as are herein conferred upon it.

SEC. 14. The Senators and Members of the House of Representatives shall, unless otherwise provided by law, receive an annual compensation of seven thousand two hundred pesos each, including per diems and other emoluments or allowances, and exclusive only of traveling expenses to and from their respective districts in the case of Members of the House of Representatives, and to and from their places of residence in the case of Senators, when attending sessions of the Congress. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and

Def. Dec. # 2810

of the House of Representatives approving such increase. Until otherwise provided by law, the

President of the Senate and the Speaker of the House of Representatives shall each receive an annual compensation of sixteen thousand pesos.

SEC. 15. The Senators and Members of the House of Representatives shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

SEC. 16. No Senator or Member of the House of Representative may hold any other office or employment in the Government without forfeiting his seat, nor shall any Senator or Member of the House of Representatives, during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the Congress.

SEC. 17. No Senator or Member of the House of Representatives shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the Congress during his term of office. He shall not appear as counsel before the Electoral Tribunals or before any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings, or accept employment to intervene in any cause or matter where he may be called

DEF. DOC. #2310

upon to act on account of his office. No Member of the Commission on Appointments shall appear as counsel before any court inferior to a collegiate court of appellate jurisdiction.

SEC. 13. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.

SEC. 19. (1) The President shall submit within fifteen days of the opening of each regular session of the Congress a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the Congress and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation bill unless it relates specifically to some particular appropriation therein; and any such provision or enactment shall be limited in its operation to such appropriation.

SEC. 20. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; but if not, he shall return it with his objections to the House where it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsideration,

Def. Doc. # 2810

two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by yeas and nays, and the names of the Members voting for and against shall be entered on its Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Congress by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the Congress without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten per centum of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase

of the public debt, the same shall not become a law unless approved by three-fourths of all the Members of each House.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

SEC. 21. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed by either House unless it shall have been printed and copies thereof in its final form furnished its Members at least three calendar days prior to its passage, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its passage shall be taken immediately thereafter, and the yeas and nays entered on the Journal.

SEC. 22. (1) The rule of taxation shall be uniform.

(2) The Congress may by law authorize the President, subject to such limitations and restrictions as it may impose, to fix, within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

SEC. 23. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SEC. 24. The heads of departments upon their own initiative or upon the request of either House may appear before and be heard by such House on any matter pertaining to their departments, unless the public ^{interest} shall require otherwise and the President shall so state in writing.

SEC. 25. The Congress shall, with the concurrence of two-thirds of all the Members of each House, have the sole power to declare war.

SEC. 26. In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

ARTICLE VII.--EXECUTIVE DEPARTMENT

SECTION 1. The Executive power shall be vested in a President of the Philippines.

SEC. 2. The President shall hold his office during a term of four years and, together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the seat of the National Government, directed to the President of the Senate, who shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes for either office, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the Members of the Congress in joint session assembled.

SEC. 3. No person may be elected to the office of President or Vice-President unless he be a natural-born citizen of the Philippines, a qualified voter, forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

SEC. 4. Elections for President and Vice-President shall be held once every four years on a date to be fixed by law.

The terms of the President and Vice-President shall end at noon on the thirtieth day of December following the expiration of four years after

Def. Doc. # 2810

their election, and the terms of their successors shall begin from such time.

SEC. 5. No person shall serve as President for more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced to act as President. Voluntary renunciation of the office of any length of time shall not be considered as an interruption in the continuity of the service of the incumbent for the full term for which he was elected.

SEC. 6. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. . . If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President . . shall act as President until a President shall have qualified, and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

SEC. 7. Before he enter on the execution of his office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and

Def. Doc. # 2310

consecrate myself to the service of the Nation. So help me God!

(In case of affirmation, last sentence will be omitted.)

SEC. 8. In the event of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress shall by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

SEC. 9. The President shall have an official residence and receive a compensation to be ascertained by law which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Government or any of its subdivisions or instrumentalities. Until the Congress shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive an annual compensation of fifteen thousand pesos until otherwise provided by law.

SEC. 10 (1) The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local governments as may be provided by law, and take care that the laws be faithfully executed.

(2) The President shall be commander-in-chief of all armed forces

Def. Doc. # 2310

the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of habeas corpus, or place the Philippines or any part thereof under martial law.

(3) The President shall nominate and with the consent of the Commission on Appointments, shall appoint the heads of the executive departments and bureaus, officers of the Army from the rank of colonel, of the Navy and air forces from the rank of captain or commander, and all other officers of the Government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint; but the Congress may by law vest the appointment of inferior officers, in the President alone, in the courts, or in the heads of departments.

(4) The President shall have the power to make appointments during the recess of the Congress, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the Congress.

(5) The President shall from time to time give to the Congress information of the state of the Nation, and recommend to its consideration such measures as he shall judge necessary and expedient.

(6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment, upon such conditions

Def. Doc. # 2310

and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the Congress.

(7) The President shall have the power, with the concurrence of two-thirds of all the Members of the Senate, to make treaties, and with the consent of the Commission on appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other public ministers duly accredited to the Government of the Philippines.

SEC. 11. (1) The executive departments of the present Government of the Philippine Islands shall continue as now authorized by law until the Congress shall provide otherwise.

(2) The heads of departments and chiefs of bureaus or offices and their assistants shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government, or any subdivision or instrumentality thereof.

(3) The President may appoint the Vice-President as a member of his cabinet and also as head of an executive department.

ARTICLE VIII.--JUDICIAL DEPARTMENT

SECTION 1. The Judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law.

SEC. 2. The Congress shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in--

- (1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question.
- (2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.
- (3) All cases in which the jurisdiction of any trial court is in issue.
- (4) All criminal cases in which the penalty imposed is death or life imprisonment.
- (5) All cases in which an error or question of law is involved.

SEC. 3. Until the Congress shall provide otherwise, the Supreme Court shall have such original and appellate jurisdiction as may be possessed and exercised by the Supreme Court of the Philippine Islands at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court shall include all cases affecting ambassadors, other public ministers, and consuls.

Def. Doc. # 2310

SEC. 4. The Supreme Court shall be composed of a Chief Justice and ten Associate Justices and may sit either in banc or in two divisions unless otherwise provided by law.

SEC. 5. The members of the Supreme Court and all judges of inferior courts shall be appointed by the President with the consent of the Commission on Appointments.

SEC. 6. No person may be appointed member of the Supreme Court unless he has been five years a citizen of the Philippines, is at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

SEC. 7. No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court. The Congress shall by law determine the residence of judges of inferior courts.

SEC. 8. The Congress shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge of any such courts unless he is a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

SEC. 9. The members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which shall not be diminished during their continuance in office. Until

Def. Doc. # 2310

the Congress shall provide otherwise, the Chief Justice of the Supreme Court shall receive an annual compensation of sixteen thousand pesos, and each Associate Justice, fifteen thousand pesos.

SEC. 10. All cases involving the constitutionality of a treaty or law shall be heard and decided by the Supreme Court in banc, and no treaty or law may be declared unconstitutional without the concurrence of two-thirds of all the members of the Court.

SEC. 11. The conclusions of the Supreme Court in any case submitted to it for decision shall be reached in consultation before the case is assigned to a Justice for the writing of the opinion of the Court. Any Justice dissenting from a decision shall state the reasons for his dissent.

SEC. 12. No decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based.

SEC. 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The Congress shall have the power to repeal, alter, or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines.

ARTICLE IX.--IMPEACHMENT

SECTION 1. The President, the Vice-President, the Justices of the Supreme Court, and the Auditor General, shall be removed from office on Impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

SEC. 2. The House of Representatives, by a vote of two-thirds of all its members, shall have the sole power of impeachment.

SEC. 3. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the Members of the Senate.

SEC. 4. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Government of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, according to law.

ARTICLE X.--COMMISSION ON ELECTIONS

SECTION 1. There shall be an independent Commission on Elections composed of a Chairman and two other Members to be appointed by the President with the consent of the Commission on Appointments, who shall hold office for a term of nine years and may not be reappointed. Of the

Def. Doc. # 2810

Members of the Commission first appointed, one shall hold office for nine years, another for six years, and the third for three years.

The Chairman and the other Members of the Commission on Elections may be removed from office only by impeachment in the manner provided in this Constitution.

Until the Congress shall provide otherwise, the Chairman of the Commission shall receive an annual salary of twelve thousand pesos, and the other members, ten thousand pesos each. Their salaries shall be neither increased nor diminished during their term of office.

SEC. 2. The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials. All law enforcement agencies and instrumentalities of the Government, when so required by the Commission, shall act as its deputies for the purpose of insuring free, orderly, and honest elections. The decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court.

No pardon, parole, or suspension of sentence for the violation of any election law may be granted without the favorable recommendation of the Commission.

Def. Doc. # 2810

SEC. 3. The Chairman and Members of the Commission on Elections shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government or any subdivision or instrumentality thereof.

SEC. 4. The Commission on Elections shall submit to the President and the Congress, following each election, a report on the manner in which such election was conducted.

ARTICLE XI.--GENERAL AUDITING OFFICE

SECTION 1. There shall be a General Auditing Office under the direction and control of an Auditor General, who shall hold office for a term of ten years and may not be reappointed. The Auditor General shall be appointed by the President with the consent of the Commission on Appointments, and shall receive an annual compensation to be fixed by law which shall not be diminished during his continuance in office. Until the Congress shall provide otherwise, the Auditor General shall receive an annual compensation of twelve thousand pesos.

SEC. 2. The Auditor General shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source, including trust funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the Government or the provinces or

Def. Doc. # 2310

municipalities thereof. He shall keep the general accounts of the Government and preserve the vouchers pertaining thereto. It shall be the duty of the Auditor General to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant. He shall also perform such other functions as may be prescribed by law.

SEC. 3. The decisions of the Auditor General shall be rendered within the time fixed by law, and the same may be appealed to the President whose action shall be final. When the aggrieved party is a private person or entity, an appeal from the decision of the Auditor General may be taken directly to a court of record in the manner provided by law.

SEC. 4. The Auditor General shall submit to the President and the Congress an annual report covering the financial condition and operations of the Government, and such other reports as may be required.

ARTICLE XII.--CIVIL SERVICE

SECTION 1. A Civil Service embracing all branches and subdivisions of the Government shall be provided by law. Appointments in the Civil Service, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SEC. 2. Officers and employees in the Civil Service, including members of the armed forces, shall not engage directly or indirectly in partisan political activities or take part in any election except to vote.

SEC. 3. No officer or employee of the Government shall receive additional or double compensation unless specifically authorized by law.

SEC. 4. No officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law.

ARTICLE XIII--CONSERVATION AND UTILIZATION
OF NATURAL RESOURCES

SECTION 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

SEC. 2. No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand and twenty-four

hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty-four hectares, or by lease in excess of one thousand and twenty-four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

SEC. 3. The Congress may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

SEC. 4. The Congress may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

SEC. 5. Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain in the Philippines.

SEC. 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

ARTICLE XIV.--GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

SEC. 2. All public officers and members of the armed forces shall take an oath to support and defend the Constitution.

SEC. 3. The Congress shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.

SEC. 4. The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

SEC. 5. All educational institutions shall be under the supervision of and subject to regulation by the State. The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens. All schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships in arts, science, and letters for specially gifted citizens.

SEC. 6. The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration.

SEC. 7. The Congress shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

SEC. 8. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty per centum of the capital of which is owned by citizens of the Philippines, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. No franchise or right shall be granted to any individual, firm, or corporation, except under the condition that it shall be subject to amendment, alteration, or repeal by the Congress when the public interest so requires.

SEC. 9. The Government shall organize and maintain a national police force to preserve public order and enforce the law.

SEC. 10. This Constitution shall be officially promulgated in English and Spanish, but in case of conflict the English text shall prevail.

ARTICLE XV.--AMENDMENTS

SECTION 1. The Congress in joint session assembled, by a vote of three-fourths of all the Members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification.

ARTICLE XVI.--TRANSITORY PROVISIONS

SECTION 1. The first election of the officers provided in this Constitution and the inauguration of the Government of the Commonwealth of the Philippines shall take place as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four.

SEC. 2. All laws of the Philippine Islands shall continue in force until the inauguration of the Commonwealth of the Philippines; thereafter, such laws shall remain operative, unless inconsistent with this Constitution, until amended, altered, modified, or repealed by the Congress of the Philippines, and all references in such laws to the Government or officials of the Philippine Islands shall be construed, in so far as applicable to refer to the Government and corresponding officials under this Constitution.

SEC. 3. All courts existing at the time of the adoption of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases, civil and criminal, pending in said courts, shall be heard, tried, and determined under the laws then in force.

SEC. 4. All officers and employees in the existing Government of the Philippine Islands shall continue in office until the Congress shall provide otherwise, but all officers whose appointments are by this Constitution vested in the President shall vacate their respective offices upon the appointment and qualification of their successors, if such appointment is made within a period of one year from the date of the inauguration of the Commonwealth

Def. Dec. # 2810

of the Philippines.

SEC. 5. The members of the House of Representatives for the Mountain Province shall be elected as may be provided by law. The voters of municipalities and municipal districts formerly belonging to a special province and now forming part of regular provinces shall vote in the election for Members of the House of Representatives in such districts as may be provided by law.

SEC. 6. The provisions of this Constitution, except those contained in this article and in Article V, and those which refer to the election and qualifications of officers to be elected under this Constitution, shall not take effect until the inauguration of the Commonwealth of the Philippines.

ARTICLE XVII.--SPECIAL PROVISIONS EFFECTIVE

UPON THE PROCLAMATION OF THE INDEPENDENCE

OF THE PHILIPPINES

SECTION 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippines--

(1) The property rights of the United States and the Philippines shall be promptly adjusted and settled, and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippines.

(2) The officials elected and serving under this Constitution shall be constitutional officers of the free and independent Government of the

Philippines and qualified to function in all respects as if elected directly under such Government, and shall serve their full terms of office as prescribed in this Constitution.

(3) The debts and liabilities of the Philippines, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent Government of the Philippines; and where bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any province, city, or municipality therein, the Government of the Philippines will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on all taxes collected.

(4) The Government of the Philippines will assume all continuing obligations of the United States under the Treaty of Peace with Spain ceding the Philippine Islands to the United States.

(5) The Government of the Philippines will embody the foregoing provisions of this article (except subsection (2)) in a treaty with the United States.

ARTICLE XVIII.--THE COMMONWEALTH AND

THE REPUBLIC

SECTION 1. The government established by this Constitution shall be known as the Commonwealth of the Philippines. Upon the final and complete withdrawal of the sovereignty of the United States and the proclamation of

Def. Dec. # 2810

Philippine independence, the Commonwealth of the Philippines shall thenceforth be known as the Republic of the Philippines.

ORDINANCE APPENDED TO THE CONSTITUTION

SECTION 1. Notwithstanding the provisions of the foregoing Constitution, pending the final and complete withdrawal of the sovereignty of the United States over the Philippines--

(1) All citizens of the Philippines shall owe allegiance to the United States.

(2) Every officer of the Government of the Commonwealth of the Philippines shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

(3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.

(4) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(5) Trade relations between the Philippines and the United States shall be upon the basis prescribed in section six of Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of

the United States, approved August seven, nineteen hundred and thirty-nine.

(6) The public debt of the Philippines and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of United States, and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(7) The debts, liabilities, and obligations of the present Government of the Philippine Islands, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution, shall be assumed and paid by the Government of the Commonwealth of the Philippines.

(8) The Government of the Commonwealth of the Philippines shall establish and maintain an adequate system of public schools, primarily conducted in the English language.

(9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States.

(10) Foreign affairs shall be under the direct supervision and control of the United States.

(11) All acts passed by the Congress of the Philippines shall be reported to the Congress of the United States.

(12) The Philippines recognizes the right of the United State to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President of the United States, to call into the service of such armed forces all military forces organized by the Government of the Commonwealth of the

Philippines.

(13) The decisions of the courts of the Philippines shall be subject to review by the Supreme Court of the United States as now provided by law, and such review shall also extend to all cases involving the Constitution of the Philippines.

(14) Appeals from decisions of the Auditor General may be taken to the President of the United States.

(15) The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the Government of the Commonwealth of the Philippines and for the maintenance of the Government as provided in the Constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of Government obligations under and in accordance with the provisions of the Constitution.

(16) The authority of the United States High Commissioner to the Government of the Commonwealth of the Philippines as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, is hereby recognized.

(17) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippines all the civil rights of the citizens and corporations, respectively, thereof.

(18) Every duly adopted amendment to the Constitution of the Philippines shall be submitted to the President of the United States for approval. If the President approve the amendment or if the President fail to disapprove such

amendment within six months from the time of its submission, the amendment shall take effect as a part of such Constitution.

(19) The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the Government of the Commonwealth of the Philippines, which in his judgment will result in a failure of the Government of the Commonwealth of the Philippines to fulfill its contracts, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippines, or which in his judgment will violate international obligations of the United States.

(20) The President of the Commonwealth of the Philippines shall make an annual report to the President and Congress of the United States of the proceedings and operations of the Government of the Commonwealth of the Philippines and shall make such other reports as the President or Congress may request.

SEC. 2. Pending the final and complete withdrawal of the sovereignty of the United States over the Philippines, there shall be a Resident Commissioner of the Philippines to the United States who shall be appointed by the President of the Commonwealth of the Philippines with the consent of the Commission on Appointments. The powers and duties of the Resident Commissioner shall be as provided in section seven, paragraph five of Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, together with

such other duties as the Congress of the Philippines may determine. The qualifications, compensation, and expenses of the Resident Commissioner shall be fixed by law.

SEC. 3. All other provisions of Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of the United States, approved August seven, nineteen hundred and thirty-nine, applicable to the Government of the Commonwealth of the Philippines are hereby made apart of this Ordinance as if such provisions were expressly inserted therein.

Def. Doc. # 2810

CERTIFICATE OF SOURCE AND AUTHENTICITY

I, HAYASHI, Kaoru, who occupy the post of Chief of Archives of Ministry of Foreign Affairs, hereby certify that the document hereto attached, written in English, consisting of 39 pages and entitled "CONSTITUTION OF THE PHILIPPINES" is an exact and authorized copy of excerpts from an official document in the custody of Japanese Government (Ministry of Foreign Affairs).

Certified at Tokyo,

on this 10th day of December, 1947.

/s/ HAYASHI, Kaoru (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the Witness.

At the same place,

on this same day.

Witness: /s/ SATO, Takegoro (seal)

「フィリピン」聯邦憲法

概要目次

第一條	國家領域	二
第二條	原則ノ宣言	三
第三條	民權要綱	四
第四條	市民權	六
第五條	選舉權	七
第六條	立法部	八
第七條	行政部	一八
第八條	司法部	二三

(千九百三十九年九月十五日第二回國民議會ニ依リ採擇セラレ千九百三十九年十一月十日合衆國大統領ニ依リ認可セラレタル決議第三十九號ニ依リ及千九百四十年四月十一日第二回國民議會ニ依リ採擇セラレ千九百四十年十二月二日合衆國大統領ニ依リ認可セラレタル決議第七十三號ニ依リ修正セラレタルモノ)

(本憲法ノ歐文ハ「マニラ」市印刷局ノ刊行物ヨリ之ヲ採リタリ)

第九條	彈 効	二六
第十條	選舉委員會	二七
第十一條	會計検査院	二九
第十二條	民 政 廳	三〇
第十三條	天然資源ノ保存及利用	三一
第十四條	一般規定	三三
第十五條	修 正	三六
第十六條	過渡的規定	三六
第十七條	「フィリピン」獨立ノ公布ト同時ニ效力ヲ生ズル特別規定	三八
第十八條	聯邦ト共和國	三九
憲法附屬ノ命令		三九
「フィリピン」國民ハ其ノ理想ヲ實現シ、國民ノ世襲財産ヲ保存開發シ		
一般ノ福祉ヲ増進シ竝ニ自己及其ノ子孫ニ對シ正義、自由及民主主義ノ		
制度ノ下ニ於ケル獨立ノ幸福ヲ保障スル政府ヲ創立センガ爲神助ヲ祈願		
シツ茲ニ本憲法ヲ制定シ之ヲ發布ス		
第一條	國家領域	
第一節		
「フィリピン」ハ千八百九十八年十二月十日合衆國「スペイン」國間ニ		

締結セラレタル「パリ」條約ニ依リ合衆國ニ讓渡セラレ右條約第三條ニ境界ノ規定セラルル一切ノ地域、千九百年十一月七日「ワシントン」ニ於テ合衆國「スペイン」國間ニ締結セラレタル條約及千九百三十年一月二日合衆國「グレート、ブリテン」國間ニ締結セラレタル條約ノ中ニ包含セラルル一切ノ島嶼並ニ現「フィリピン」諸島政府ガ管轄權ヲ行使シツツアル一切ノ地域ヨリ成ル

第二條 原則ノ宣言

第一節

「フィリピン」ハ共和國ナリ主權ハ國民ニ存シ政府ノ一切ノ權能ハ國民ヨリ發ス

第二節

國防ハ政府ノ主要ナル任務ニシテ此ノ任務ノ遂行ニ當リテハ一切ノ市民ハ文武ノ役務ニ服スルコトヲ法律ヲ以テ要求セラルルコトアルベシ

第三節

「フィリピン」ハ國策ノ具トシテノ戰爭ヲ拋棄シ一般ニ承認セラレ居ル國際法上ノ原則ヲ國法ノ一部トシテ採用ス

第四節

市民トシテノ能力ヲ得シムル爲ノ青年ノ養育ニ關スル兩親ノ當然ノ權利及義務ハ政府ノ援助及支持ヲ受クベシ

第五節

一切ノ國民ノ福祉及經濟的安定ヲ確保スル爲ノ社會的正義ノ助長ハ國民ノ關心事タルベシ

第三條 民權要綱

第二節

(一) 何人ト雖モ正當ナル法律上ノ手續ヲ經ズシテ生命、自由又ハ財産ヲ剝奪セラルルコトナカルベク又何人ト雖モ法律ノ平等ナル保護ヲ拒否セラルルコトナカルベシ

(二) 私所有財産ハ公正ナル代償ナクシテ公共ノ用ニ供スル爲收用セラルルコトナカルベシ

(三) 不當ノ搜索及差押ニ對シ自己ノ身體、家屋、書類及家財ガ安全ナルノ國民ノ權利ハ侵サルルコトナカルベク又原告及其ノ提供スル證人ヲ宣誓又ハ宣誓ヲ爲サシメテ取調ベタル後ニ於テ裁判官ガ決定スベキ立證ノ見込アル訴訟理由ニ基クニ非ザレバ逮捕狀ハ發セラルルコトナカルベシ逮捕狀ニハ搜索場所及逮捕セラルベキ者又ハ差押ヘラルベキ物ヲ詳細ニ記載スベシ

(四) 法律ノ定ムル範圍内ニ於ケル居住及住居變更ノ自由ハ毀損セラルルコトナカルベシ

(五) 通信及信書ノ秘密ハ裁判所ノ合法的命令ニ依ルカ又ハ公ノ安寧及秩序ノ爲別段ノ必要アル場合ヲ除クノ外侵サルルコトナカルベシ

- (六) 法律ニ違反セザル目的ノ爲組合又ハ結社ヲ組織スルノ權利ハ剝奪セラルルコトナカルベシ
- (七) 宗教ノ公認ニ關スル又ハ宗教ノ自由ナル信奉ヲ禁止スル法律ハ制定セラルルコトナカルベク又宗教上ノ表白及禮拜ノ差別又ハ優先權ナキ自由ナル實行及享有ハ永久ニ許容セラルベシ市民權又ハ政治的權利ノ行使ニ付テハ何等ノ宗教上ノ宣誓ヲモ要スルコトナカルベシ
- (八) 言論若ハ出版ノ自由又ハ平穩ニ集合シテ不法ヲ匡救スルコトヲ政府ニ請願スルノ國民ノ權利ヲ剝奪スル法律ハ制定セラルルコトナカルベシ
- (九) 貴族ノ稱號ヲ付與スル法律ハ制定セラルルコトナカルベク又利得又ハ信用ヲ伴フ職ニ在ル者ハ何人ト雖モ「フイリピン」議會ノ同意アルニ非ザレバ外國ヨリ如何ナル贈與、報酬、公職又ハ如何ナル禮遇ノ稱號ヲ受クルコトヲ得ズ
- (十) 契約上ノ義務ヲ毀損スル法律ハ可決セラルルコトナカルベシ
- (十一) 選及法又ハ民權及財產剝奪法ハ制定セラルルコトナカルベシ
- (十二) 何人ト雖モ負債ノ故又ハ人頭税不拂ノ故ヲ以テ投獄セラルルコトナカルベシ
- (十三) 意思ニ反スル服役ハ如何ナル形式ノモノタルヲ問ハズ存在スルコトナカルベシ但シ當事者が適法ニ有罪ト判決セラレタル犯罪ニ對スル刑罰トシテノ場合ハ此ノ限ニ在ラズ

- (十四) 人身保護令ノ特權ハ停止セラルルコトナカルベシ但シ公安上右停止ヲ必要トスル侵略、暴動又ハ反亂ノ場合ハ此ノ限ニ在ラズ右ノ場合ノ何レニ於テモ其ノ期間中ニ於テ右停止ノ必要存スル場合ニハ右特權ハ之ヲ停止スルコトヲ得
- (十五) 何人ト雖モ正當ナル法律上ノ手續ヲ經ズシテハ刑事上ノ犯罪ニ付責任アリト判決セラルルコトナカルベシ
- (十六) 有罪ノ證據歴然タル死罪ノ被告人ヲ除クノ外何人ト雖モ有罪ノ判決前ニ於テハ充分ノ保證金ヲ以テ保釋ヲ受クルコトヲ毎過分ノ保釋金ハ要求セラルルコトナカルベシ
- (十七) 一切ノ刑事訴追ニ於テハ被告人ハ反對事實ガ證明セラルル迄ハ無罪ナリト推定セラルベク又自ラ及辯護人ヲ用ヒテ審理ヲ受ケ、自己ニ對スル訴追ノ性質及訴訟理由ノ通知ヲ受ケ、迅速且公開ノ公判ヲ受ケ、證人ト對面シ或ニ自己ノ爲ニスル證人ノ出廷ヲ確保スル爲ノ強制的召喚命令ノ發出ヲ受クルノ權利ヲ享有スベシ
- (十八) 何人ト雖モ自己ニ不利益ナル證人タルコトヲ強要セラルルコトナカルベシ
- (十九) 過分ノ罰金ハ課セラルルコトナカルベク又殘酷ニシテ異常ナル刑罰ハ課セラルルコトナカルベシ
- (二十) 何人ト雖モ同一ノ犯罪ニ付再ビ處罰セラルルコトナカルベシ一ノ行

爲ガ法律及命令ニ依リ罰セラレタルトキハ其ノ何レカノ一方ニ基ク有
罪判決又ハ冤訴ハ同一ノ行爲ニ付テノ他ノ訴追ヲ不能ナラシムベシ
(五) 何人ト雖モ貧窮ヲ理由トシテ裁判所ニ於ケル自由ノ訴訟ヲ拒マルル
コトナカルベシ

第四條 市民權

第一節

左ノ者ヲ「フィリピン」諸島ノ市民トス

(一) 本憲法採擇ノ時ニ「フィリピン」市民タル者

(二) 「フィリピン」諸島ニ於テ外國人タル父母ノ間ニ出生シタル者ニシ
テ本憲法採擇前ニ「フィリピン」諸島ニ於テ公職ニ選任セラレ居ルモ

ノ 父ガ「フィリピン」市民タル者

(三) 母ガ「フィリピン」市民タル者ニシテ成年ニ達シタル際「フィリピ
ン」市民タルコトヲ選擇シタルモノ

(四) 法律ニ從ヒ歸化セル者

(五) 第二節

「フィリピン」市民權ハ法律ノ定ムル方法ニ依リ之ヲ喪失シ又ハ再取得
スルコトヲ得

第五條 選舉權

第一節

選舉權ハ法律ガ別段ニ無資格トセザル男子タル「フィリピン」市民ニシテ年齢二十一歳以上、讀ミ書ヲ爲スコトヲ得且「フィリピン」ニ一年間及其ノ投票ヲ爲サントスル市町村内ニ選舉直前少クトモ六月間居住シ來レルモノニ依リ行使セラルルコトヲ得國民議會ハ婦人ニ選舉權ヲ付與スル爲本憲法ノ採擇後二年以内ニ於テ行ハルベキ人民投票ニ於テ必要ナル資格ヲ有スル三十萬人以上ノ女子ガ本問題ニ付贊成投票ヲ爲シタル場合ニハ女子ニモ選舉權ヲ付與スベシ

第六條 立法部

第一節

立法權ハ「フィリピン」議會ニ付與セラルベク右議會ハ上院及下院ヨリ成ルベシ

第二節

上院ハ法律ノ定ムル所ニ從ヒ「フィリピン」ノ有資格選舉人ニ依リ自由ニ選舉セラルベキ二十四名ノ上院議員ヲ以テ組織セラルベシ

第三節

上院議員ノ任期ハ六年トシ其ノ選舉直次ノ十二月三十日より開始スベシ本憲法ニ基キ選舉セラルル第一回ノ上院議員ハ法律ノ定ムル方法ニ依リ

三組ニ均分セラルベク第一組ノ上院議員ハ六年間、第二組ノ者ハ四年間
又第三組ハ者ハ二年間勤務スルモノトス

第四節

何人ト雖モ其ノ選舉ノ當時年齢三十五歳以上ニシテ有資格選舉人タリ且
其ノ選舉ノ直前二年以上「フイリピン」ノ居住者タリシ生來ノ「フイリ
ピン」國市民タル者ニ非ザレバ上院議員タルコトヲ得ズ

第五節

下院ハ百二十名以下ノ議員ヲ以テ組織セラルベシ右議員ハ成ルベク夫々
ノ住民ノ數ニ應ジテ各州ニ割當テラルベシ但シ各州ハ少クトモ一名ノ議
員ヲ有スベシ議會ハ各人口調査ノ報告後三年以内ニ法律ヲ以テ割當ヲ行
フベク他ノ方法ニ依リ行フコトナカルベシ右割當ノ行ハル迄ハ下院ハ
國民議會ニ付法律ニ依リ定メラレタル所同一數ノ議員ヲ有スベシ右議
員ハ現在ノ議會選舉區ヨリ選出ノ有資格選舉人ニ依リ選舉セラルベシ各
選舉區ハ實行シ得ル限り隣接シ且纏レル地域ヨリ成ルベシ

第六節

下院議員ノ任期ハ四年トシ其ノ選舉直次ノ十二月三十日ヨリ開始スベシ

第七節

何人ト雖モ其ノ選舉ノ當時年齢二十五歳以上ニシテ有資格選舉人タリ且
其ノ選舉ノ直前一年以上其ノ選舉セラルル州ノ居住者タリシ者ニ非ザレ

バ下院議員タルコトヲ得ズ

第八節

(一) 上院議員及下院議員ノ選舉ハ法律ニ依リ定メラルル方法及期日ニ於テ行ハルベシ

(二) 上院又ハ下院ニ議員アル場合ニ於テハ法律ニ依リ定メラレタル方法ニ依リ右空闕ヲ補充スル爲特別選舉ヲ行フコトヲ得但シ右ニ依リ選舉セラレタル上院議員及下院議員ハ現存期間ノミヲ其ノ任期トス

第九節

議會ハ法律ニ依リ他ノ期日ガ定メラザル限り毎年一回一月ノ第四月曜日ニ於テ通常會期ヲ開催スベシ議會ハ一般法令ヲ又ハ大統領ガ指定スル問題ノミヲ審議スル爲何時ニテモ大統領ニ依リ特別會期トシテ召集セラシムルコトヲ得特別會期ハ三十日ヲ超エ繼續スルコトナカルベク又通常會期ハ日曜日ヲ除キ百日ヲ超エ繼續スルコトナカルベシ

第十節

(一) 上院及下院ハ各自ノ議長ヲ選舉スベシ
各議院ハ必要ナル他ノ職員ヲ選任スベシ

(二) 各議院ノ過半数ハ事務執行ノ定足數ヲ構成ス但シ議員數ガ右定足數ニ滿タザルトキハ連日議事ヲ延期スルコトヲ得ベク又各議院ノ定ムル方法及罰則ヲ以テ出席議員ノ出席ヲ強要スルコトヲ得

(三) 各議院ハ其ノ議事規則ヲ定メ、秩序ヲ紊ス行爲ニ對シ議員ヲ罰シ及

其ノ全議員ノ三分ノ二ノ同意ヲ得テ議員ヲ除名スルコトヲ得

(四) 各議院ハ其ノ議事日誌ヲ保存スベク且 密ヲ要スト認ムル部分ヲ除

クノ外時時之ヲ公表スベシ如何ナル問題ニ對スル贊成投票者及不贊成
投票者モ出席議員ノ五分ノ一ノ要求アル場合ニハ之ヲ議事日誌ニ記入
スベシ

(五) 各議院ハ議會ノ會期中他方ノ議院ノ同意ナクシテハ三日ヲ超エ延期
シ又ハ兩院ガ會議ヲ行フ地以外ノ地ニ移シ延期スルコトナカルベシ

第十一節

上院及下院ハ各自ノ議員ノ選舉、當選報告及資格ニ關スル一切ノ紛争ノ
唯一ノ判決者タルベキ選舉裁判所ヲ夫々有スベシ各選舉裁判所ハ九名ノ
裁判官ヲ以テ組織セラルベク其ノ中三名ハ大審院長ニ依リ指名セラルベ
キ大審院判事タルベク又爾餘ノ六名ハ各場合ニ從ヒ上院又ハ下院ノ議員
タルベシ右議員ハ議會ニ於テ最多數ノ表決權ヲ有スル黨ノ指名ニ基キ三
名又第二位ノ多數ノ表決權ヲ有スル黨ノ指名ニ基キ三名各議院ニ依リ選
任セラルベシ各選舉裁判所ニ於ケル最古參判事ハ其ノ裁判長タルベシ

第十二節

議院ニ於ケル政黨ノ比例代表ヲ基礎トシテ夫々各議院ニ依リ選舉セラル
ル十二名ノ上院議員及十二名ノ下院議員ヨリ成ル任命委員會ヲ設クベシ

上院議長ハ右委員會ノ職權ニ依ル委員長タルベシ但シ賛否同數ノ場合ヲ除クノ外投票スルコトナカルベシ

第十三節

選舉裁判所及任命委員會ハ上院及下院ガ各自ノ議長ノ選舉ト共ニ組織セラレタル後三十日以内ニ構成セラレベシ任命委員會ハ本憲法ニ於テ該委員會ニ付與セラレタル職權及職務ヲ遂行スル爲其ノ委員長又ハ其ノ委員ノ過半数ノ招集ニ依リ議會ノ開會中ニ於テノミ開催セラルベシ

第十四節

上院議員及下院議員ハ法律ニ別段ノ規定ナキ限り各七千二百「ベソ」ノ歳ヲ受クベシ右歳ハ日當其ノ他ノ給與又ハ手當ヲ含ミ議會ノ會議ニ出席スル際ノ下院議員ニ付テノ選舉區ヨリノ往復旅費及上院議員ニ付テノ居住地ヨリノ往復旅費ノミハ之ヲ含マサルモトス右歳費ノ増額ハ之ヲ承認スル上院及下院ノ全議員ノ全任期ノ滿了迄ハ實施セラレザルベシ法律ニ別段ノ規定ガ設ケラルル迄ハ上院議長及下院議長ハ各一萬六千「ベソ」ノ歳費ヲ受クベシ

第十五節

上院議員及下院議員ハ叛逆罪、重罪及治安紊亂ノ場合以外ノ一切ノ場合ニ於テハ議會ノ會議ニ出席中及議會ヘノ往復ノ途次ニ於テ逮捕セラレザルノ特權ヲ有スベク又議會ニ於ケル如何ナル演説又ハ討議ニ付テモ議會

以外ノ場所ニ於テ質問セラルルコトナカルベシ

第十六節

上院議員又ハ下院議員ハ其ノ議席ヲ喪失スルコトナクシテハ政府ノ他ノ官職又ハ雇傭ニ就クコトヲ得ズ又上院議員又ハ下院議員ハ其ノ任期中ニ於テハ其ノ議會ノ議員タル間ニ創設セラレ又ハ給與ノ増加セラレタル如何ナル行政上ノ官職ニモ任命セラルルコトナカルベシ

第十七節

上院議員又ハ下院議員ハ政府又ハ其ノ部局若ハ代理機關トノ契約或ハ其ノ任期中ニ議會ニ依リ許與セラレタル特許又ハ特權ニ直接又ハ間接ニ財的利害關係ヲ有スルコトナカルベシ右議員ハ選舉裁判所ニ或ハ政府又ハ其ノ部局若ハ代理機關ガ相手方當事者タル民事事件以ハ政府ノ官吏又ハ雇傭人ガ其ノ職務ニ關聯シテ犯セル犯罪ニ付起訴セラレタル判事事件ニ關シ裁判所ニ辯護人トシテ出頭シ、行政上ノ訴訟手續ニ於ケル其ノ出頭ニ對シ報酬ヲ徵收シ又ハ職務上其ノ行動ガ要求セラルルコトアルベキ訴訟事件ヘノ關與ノ爲ノ雇傭ヲ受諾スルコトナカルベシ任命委員會ノ委員ハ合議上告裁判所ヨリ下級ノ裁判所ニ辯護人トシテ出頭スルコトナカルベシ

第十八節

歳出豫算、歳入又ハ關稅ニ關スル法案、公債増額ノ權限ヲ付與スル法案

地万のニ適用セラルル法案及個人ニ關スル法案ノ全部ハ專ラ下院ヨリ最初ニ提出セラルベシ但シ上院ハ修正ヲ提議シ又ハ之ニ同意スルコトヲ得

第十九節

(一) 大統領ハ議會ノ各通常會期ノ開始期日ヨリ十五日以内ニ一般歳出豫算法案ノ基礎タルベキ收支豫算ヲ提出スベシ議會ハ議會及司法部ノ爲ノ歳出豫算ヲ除クノ外豫算書ニ明記セラレタル政府ノ政務遂行ノ爲大統領ガ勸告セル歳出豫算ヲ増加スルコトヲ得ズ豫算書ノ形式及其ノ掲グベキ参考事項ハ法律ニ依リ規定セラルベシ

(二) 一般歳出豫算法案中ノ或特定ノ歳出豫算ニ特ニ關係アルモノニ非ザレバ如何ナル規定又ハ法令モ一般歳出豫算中ニ包含セラルルコトナカルベシ又右ノ規定又ハ法令ハ其ノ適用ニ付テハ右歳出豫算ノミニ局限セラルベシ

第二十節

(一) 議會ニ代リ可決セラレタル一切ノ法案ハ法律ト爲ルニ先チ大統領ニ提出セラルベシ大統領ハ右法案ヲ裁可スル場合ニハ之ニ署名スベク又裁可セザル場合ニハ其ノ反對理由ヲ具シテ之ヲ最初ニ提出シタル議院ニ返付スベシ右議院ハ其ノ議事日誌中ニ反對理由ヲ詳細ニ記載シ且右法案ヲ再審議スベシ再審議ノ後右議院ノ全議員ノ三分ノ二ガ右法案ノ通過ニ同意スルニ於テハ該法案ハ反對理由ト共ニ地方ノ議院ニ送付セ

(一)

ラルベク該議院ハ同様ニ之ヲ再審議スベシ右議院ノ全議員ノ三分ノ二ニ依リ可決セラレタルトキハ右法案ハ法律ト爲ルベシ右ノ如キ一切ノ場合ニ於テハ各議院ノ表決ハ贊否ノ投票ニ依リテ決セラレベク又贊成又ハ反對ノ投票ヲ爲セル議員ノ氏名ハ右議院ノ議事日誌ニ記載セラレベシ法案が大統領ニ提出セラレタル後二十日以内一日曜日ヲ除クニ大統領ガ本憲法ノ定ムル所ニ從ヒ之ヲ返付セザル場合ニハ右法案ハ大統領ガ之ニ署名シタルト同様ニ法律ト爲ルベシ但シ議會ガ閉會ニ依リ右法案ノ返付ヲ妨ゲタル場合ハ此ノ限ニ任ラズ此ノ場合ニ於テハ右法案ハ議會ノ閉會後三十日以内ニ大統領ニ依リ拒否セラレザル限リ法律ト爲ルベシ

大統領ハ歳出歳算法案中ノ何レノ特定ノ一又ハ二以上ノ項目ヲモ拒否スルノ權能ヲ有スベシ但シ右拒否ハ大統領ノ反對セザル一又ハ二以上ノ項目ニハ影響ヲ及ボスコトナカルベシ歳出歳算法案中ノ規定ガ該法案ノ一又ハ二以上ノ項目ニ影響ヲ及ボス場合ニハ大統領ハ右規定ノ關スル特定ノ一又ハ二以上ノ項目ヲ同時ニ拒否スルコトナクシテハ右規定ヲ拒否スルコトヲ得ズ反對セラレタル一又ハ二以上ノ當該項目ハ大統領ノ裁可ナクシテ議會ニ返付セラレタル法案ニ關シ本號ヨリ前ニ規定セラレタル方法ニ依ルニ非ザレバ效力ヲ生ズルコトナカルベシ拒否ガ前年度ノ政府ノ一般經費ノ歳出歳算法案中ノ可決濟總額ノ一割ヲ

超ユル額ヲ振當ツル法案若ハ歳出豫算法案中ノ何レカノ項目ニ關スル
カ又ハ公債増額ノ權限ヲ付與スル法案ニ關スル場合ニハ此等ノ法案ハ
各議院ノ全議員ノ四分ノ三ノ同意アルニ非ザレバ法律ト爲ルコトナカルベシ

(三) 大統領ハ歳入法案又ハ關稅法案中ノ何レノ個個ノ項目又ハ二以上ノ
項目ヲモ拒否スルノ權能ヲ有スベク又拒否セラレタル一又ハ二以上ノ
項目ハ大統領ニ依リ拒否セラレタル法案ニ關シ規定セラレタル方法ニ
依ルニ非ザレバ效力ヲ生ズルコトナカルベシ

第二十一節

(四) 法律トシテ制定セラルベキ法案ハ一箇ヲ超ユル主題ヲ包含スルコト
ナカルベク該主題ハ右法案ノ標題ニ於テ表示セラルベシ

(五) 法案ハ印刷セラレ且其ノ最終的形式ニ於ケル本ガ該法案可決ノ少
クトモ三層日前ニ議員ニ提供セラルルニ非ザレバ何レノ一万ノ議院ニ
依リテモ可決セラルルコトナカルベシ但シ大統領ニ於テ右法案ヲ即時
法律トシテ制定スルノ要アルコトヲ證明シタル場合ハ此ノ限ニ在ラズ
法案ノ最終議會終了スルトキハ其ノ修正ハ許サレザルベク又右法案ヲ
可決スベキカ否カノ問題ハ最終議會後直ニ付議セラレ贊成投票者又ハ
不贊成投票者ハ議事日誌ニ記載セラルベシ

第二十二節

(六) 課稅規則ハ一律タルベシ

(四) 議會ハ其ノ定ムルコトアルベキ制限ニ從フノ條件ノ下ニ大統領ニ對シ關稅率、輸出入ノ割當、關稅及波止場使用料ヲ特定ノ範圍内ニ於テ決定スルノ權限ヲ法律ヲ以テ付與スルコトヲ得

(五) 墓地、教會及教會附屬ノ牧師住宅又ハ修道院並ニ尋ラ宗教的、慈善的又ハ教育的目的ニ使用セラルル一切ノ土地、建築物及其ノ改修ハ租稅ヲ免除セラルベシ

第二十三節

(一) 特別ノ目的ノ爲賦課セラレタル租稅ニ依ル一切ノ徵收金ハ特別基金トシテ取扱ハレ右目的ニミ支出セラルベシ特別基金ヲ設定シタル目的ガ達成セラレ又ハ抛棄セラレタル場合ニ殘額アルトキハ該殘額ハ政府ノ一般基金ニ移サルベシ

(二) 如何ナル金額ト雖モ法律ニ依リ作成セラレタル歲出總算ニ依ル場合ヲ除クノ外國庫ヨリ支出セラルルコトナカルベシ

(三) 公金又ハ公ノ財産ハ宗派、教會、分派、宗派ノ施設又ハ宗教的組織ノ使用、利益又ハ維持ノ爲或ハ僧侶、傳道師、牧師又ハ他ノ宗教的直師若ハ高位僧トシテノ教師若ハ高位僧ノ使用、利益又ハ維持ノ爲ニ直接ニモ間接ニモ振當テラレ、流用セラレ又ハ使用セラルルコトナルベシ但シ右ノ僧侶、傳道師、牧師又ハ高位僧カ軍隊又ハ刑事施設、孤兒院若ハ痲病保養院ニ配屬セシメラレ居ル場合ハ此ノ限ニ在ラズ

第二十四節

各省ノ長官ハ其ノ發意又ハ何レカノ一方ノ議院ノ要求ニ基キ右議院ニ出頭シテ自省ノ所管事項ニ關シ意見ヲ開陳スルコトヲ得但シ公益上右意見ヲ開陳セザルコトヲ必要トシ且大統領ニ於テ其ノ旨ヲ審面ニ依リ陳ベタル場合ハ此ノ限ニ在ラズ

第二十五節

議會ハ各議院ノ全議員ノ三分ノ二ノ同意ヲ得ルトキハ宣戰ノ權能ヲ專有スベシ

第二十六節

戰時又ハ他ノ國家的緊急時ニ於テハ議會ハ宣言セラレタル國策ノ遂行ノ爲規則及規程ヲ公布スルノ權限ヲ一定ノ期間中且議會ノ定ムル制限ニ從フノ條件ノ下ニ法律ヲ以テ大統領ニ付與スルコトヲ得

第七條 行政部

第一節

行政權ハ「フィリピン」大統領ニ付與セラルベシ

第二節

大統領ハ四年間在職スベク同一期間ニ付選任セラルル副大統領ト共ニ國民ノ直接投票ニ依リ選舉セラルベシ各州又ハ各市ノ投票検査員評議會ノ適法ニ認證セル大統領及副大統領ノ各選舉ノ報告書ハ上院議長ニ宛テ國

國民政府本部ニ送付セラルベシ右議長ハ上院及下院ニ於テ一切ノ證明書ヲ開封シ次デ投票ハ計算セラルベシ夫々大統領及副大統領トシテノ最高票數ヲ獲得シタル者ガ當選者ト宣セラルベシ但シ二名以上ノ者ガ右何レカノ一方ノ職ニ付同一且最高ノ票數ヲ獲得シタル場合ニ於テハ其ノ中ノ一名ガ合同總會ニ於ケル議會議員ノ過半数投票ニ依リ各場合ニ應ジ大統領又ハ副大統領ニ選任セラルベシ

第三節

何人ト雖モ選舉資格ヲ有シ、年齡四十歲以上ニシテ選舉ノ直前少クトモ十年間「ソイリピン」ニ居住シタル生來ノ「ソイリピン」市民タル者ニ非ザレバ大統領又ハ副大統領ノ職ニ選舉セラルルコトヲ得ズ

第四節

大統領及副大統領ノ選舉ハ法律ニ依リ定メラルベキ期日ニ於テ四年毎ニ一回執行セラルベシ

大統領及副大統領ノ任期ハ其ノ選舉後ノ四年ノ期間ノ滿了ニ次グ十二月三十日ノ正午ニ終了スベク其ノ後任者ノ任期ハ右ノ時刻ヨリ開始スベシ

第五節

何人ト雖モ連續八年ヲ超エ大統領トシテ勤務スルコトヲ得ズ右勤務ノ期間ハ右ノ者ガ大統領トシテ行動ヲ開始シタル日ヨリ計算セラルベシ如何ナル期間ノ任意ノ職務弛棄モ當該任職者ガ其ノ全選任期間勤務ヲ繼續シ

タルコトニ對スル中斷トハ認メラレザルベシ

第六節

大統領ノ任期ノ開始期トシテ定メラレタル時ニ於テ大統領當選者ガ死亡シ居ルトキハ副大統領ガ大統領ト爲ルベシ大統領ガ其ノ任知ノ開始期トシテ定メラレタル時ヨリ前ニ選舉セラレザリシカ又ハ大統領當選者ガ資格ヲ具ヘザリシトキハ副大統領ハ大統領ガ資格ヲ具フルニ至ラザル場合ニ付法律ヲ以テ規定ヲ設クルコトヲ得ベク且大統領ノ職務ヲ代行スベク又議會ハ大統領當選者又ハ副大統領當選者ガ資格ヲ具フルニ至ラザル場合ニ付法律ヲ以テ規定ヲ設クルコトヲ得ベク且大統領ノ職務ヲ右ノ場合ニ代行スベキ者又ハ代行スベキ者ノ選出方法ヲ宣言スベシ又右宣言セラレタル者ハ右ニ應ジ大統領又ハ副大統領ガ資格ヲ具シル迄代行スベシ

第七節

大統領ハ其ノ職務ノ執行ヲ開始スルニ先チ左ノ宣誓又ハ宣言ヲ爲スベシ
「余ハ忠實ニ且良心ニ從ヒ「フイリピン」大統領トシテノ余ノ職責ヲ果シ、「フイリピン」ノ憲法ヲ保持擁護シ、其ノ法令ヲ執行シ、各人ニ對シ正義ヲ行ヒ且國家ヘノ奉公ニ盡瘁スベキコトヲ茲ニ嚴肅ニ誓フ（又ハ確言スル）モノナリ神ヨ願クバ照覽アレ」（確言ノ場合ニハ最後ノ句ヲ略スベシ）

第八節

大統領ノ免職又ハ其ノ死亡、辭職若ハ右ノ職ニ屬スル權能及職務ノ執行不能ノ場合ニ於テハ大統領ノ職ハ副大統領ニ移行スベク又議會ハ大統領及副大統領ノ免職、死亡、辭職又ハ右ノ執行不能ノ場合ニ關シ法律ヲ以テ規定ヲ設ケ且右ノ場合ニ大統領ノ職務ヲ代行スベキ官更ヲ宣言スベシ右官更ハ右ニ應ジ石不能ガ除去セララルルカ又ハ大統領ガ選舉セララルルニ至ル迄代行スベシ

第九節

大統領ハ官邸ヲ有シ且法律ニ依リ定メラルベキ報酬ヲ受クベシ右法關ハ大統領ノ選任期間中増加セラレ又ハ減少セララルコトナカルベシ大統領ハ右期間中政府又ハ其ノ部局若ハ代理機關ヨリ他ノ何等ノ給與ヲモ受クルコトナカルベシ議會ガ別段ノ規定ヲ設クルニ至ル迄大統領ハ三島「ベソ」ノ年俸ヲ受クルベシ副大統領ハ大統領ノ職務ヲ代行シ居ラザル場合ハ法律ニ依リ別段ノ規定ガ設ケラルルニ至ル迄一萬五千「ベソ」ノ年俸ヲ受クベシ

第十節

大統領ハ行政ニ關スル一切ノ省、部局又ハ官署ヲ統轄シ、法令ニ依リ定メララルコトアルベキ一切ノ地方政廳ノ一般的監督ヲ爲シ且法令ガ忠實ニ

執行セララルルヲ注意スベシ

大統領ハ「フイリピン」ノ一切ノ軍隊ノ總司令官タルベク且必專アルトキハ小法行為、侵略、暴動又ハ反亂ヲ防止シ又ハ鎮壓スル爲右軍隊ヲ出動セシムルコトヲ侵略、暴動若ハ反亂又ハ其ノ危險ノ急迫ノ場合ニ於テ公共ノ安全上必要ナルトキハ大統領ハ人身保護令ノ行使ヲ停止シ又ハ「フイ

リピン一若ハ其ノ何レノ部分ニモ威令ヲ布クコトヲ得
 曰 大統領ハ行政各省及部局ノ長、大佐ノ階級以上ノ陸軍士官、大佐又ハ中

佐ノ階級以上ノ海軍及空軍士官、任命ニ關シ本憲法ニ別段ノ規定ナキ他ノ
 一切ノ官吏竝ニ法律ニ依リ大統領ガ任命權ヲ付與セラレ居ル者ヲ指名シ任

命委員會ノ同意ヲ得テ之ヲ任命スベシ但シ議會ハ法律ニ依リ右ヨリ下級ヲ
 命委員會ノ同意ヲ得テ之ヲ任命スベシ但シ議會ハ法律ニ依リ右ヨリ下級ヲ

レ官更ノ任命權ヲ大統領ノミ又ハ裁判所若ハ各省長官ニ付與スルコトヲ得
 曰 大統領ハ議會ノ休會中ニ於テ任命ヲ行フノ權能ヲ有スベシ但シ右任命ハ

任命委員會ニ依リ否認セラルルニ至ル迄又ハ議會ノ次回ノ休會ニ至ル迄ニ
 限リ有效ナルモノトス

曰 大統領ハ職ノ狀況ニ關シ時時議會ニ報告ヲ爲シ其ノ必要且便宜ナリト認
 ムル方或ヲ提示シテ議會ノ審議ヲ報告スベシ

曰 大統領ハ彈劾ノ場合ヲ除クノ外其ノ課スルヲ適當ト認ムル條件及制限ノ
 下ニ、一切ノ犯罪ニ付有罪判決ノ後ニ於テ執行猶豫、減刑及赦免ヲ許可シ

立ニ罰金及沒收ヲ免除スルノ權能ヲ有スベシ大統領ハ議會ノ同意ヲ得テ大
 統ヲ行フノ權能ヲ有スベシ

曰 大統領ハ上院ノ全議員ノ三分ノ二ノ同意ヲ得ルトキハ條約ヲ締結スルノ
 權能ヲ有スベク又任命委員會ノ同意ヲ得テ大使、公使及領事ヲ任命スベシ

大統領ハ「フイリピン」政府ニ適法ニ派遣セラレタル大使及公使ヲ接受ス
 ベシ

第十一節

(一)

「フイリピン」現政府ノ行政各省ハ議會ガ別段ノ規定ヲ設クルニ至ル迄

(二)

現在法令ニ依リ許サル所ニ從ヒ任職スベシ
各省長官、部局及官署ノ長並ニ其ノ輔佐ハ其ノ在職中ニ於テハ如何ナル

職業ニモ從事スルコトナカルベク又其ノ職務上ノ權能ニ依リ何等カノ影響
ヲ受クルコトアルベキ私企業ノ經營又ハ管理ニ直接又ハ間接ニ關與シ以ハ

ハ政府又ハ其ノ部局若ハ代理機關トノ契約ニ直接又ハ間接ニ財的利害關係
ヲ有スルコトナカルベシ

(三)

大統領ハ副大統領ヲ其ノ内閣ノ一員トシテ及行政省ノ長官トシテ任命ス
ルコトヲ得

第八條 司法部

第一節

司法部ハ大審院及法律ニ依リ設置セラルルコトアルベキ下級裁判所ニ付與セ
ラルベシ

第二節

議會ハ各種ノ裁判所ノ管轄權ヲ明定シ、規定シ及割當ツルノ權能ヲ有スベシ
但シ大使、公使及領事ニ關聯セル事件ニ對スル第一審管轄權ヲ大審院ヨリ奪
フコトヲ得ザルベク又左ノ事件ニ於ケル下級裁判所ノ最終判決及命令ヲ法律
又ハ裁判所規則ノ定ムル所ニ從ヒ提訴、訴訟書類移送命令又ハ再審命令ニ基
キ再審シ、變更シ、破棄シ、修正シ又ハ確認スルノ管轄權ヲ大審院ヨリ奪フ
コトヲ得ス

㊦ 條約、法令、命令又ハ行政上ノ命令若ハ規則ノ合憲性及効力が問題ト爲

リ居ル一切ノ事件

㊧ 租税、課金、評價若ハ通行税又ハ此等ニ關聯シテ課セラレタル罰金ノ合

法性ノ問題ヲ含ム一切ノ事件

㊨ 第一審裁判所ノ官職權ガ問題ト爲ル居ル一切ノ事件

㊩ 科セラレタル刑罰ガ死刑又ハ終身懲役タル一切ノ刑罰事件

㊪ 訴訟又ハ法律問題ヲ含ム一切ノ事件

第三節

議會ガ別段ノ規定ヲ設クルニ至ル迄大審院ハ本憲法採擇ノ時ニ於テ「フイリ
ピン」諸島大審院ガ有シ且行使スル第一審官職權及控訴權ヲ有スベシ大審院ノ第一審

官職權ハ大使、公使及領事ニ關係アル一切ノ訴訟事件ヲ包含スベシ

第四節

大審院ハ大審院長及十名ノ陪判事ヲ以テ組織セラレ法律ニ依リ別段ノ規定
ノモアレザル限り全員ヲ以テ又ハ二部ニ分レテ開廷スルコトヲ得

第五節

大審院判事及下級裁判所ノ一切ノ判事ハ任命委員會ノ同意ヲ得テ大統領ニ依
リ任命セララルベシ

第六節

何人ト雖モ「フイリピン」市民タルコト五年ニ及ビ、年齢四十歳以上ニシテ
「フイリピン」ニ於テ十年以上記録裁判所ノ判事タリシカ又ハ法律事務ニ從

事シ居タリシ者ニ非ザレバ大審院判事ニ任命セラルルコトヲ得ズ

第七節

特定ノ地方ニ對シ任命セラレタル判事ハ大審院ノ認許ナクシテハ他ノ地方ニ任命セラレ又ハ轉任セシメラルルコトナカルベシ議會ハ法律ヲ以テ下級裁判所ノ判事ノ任居ヲ定ムベシ

第八節

議會ハ下級裁判所ノ判事ノ資格ヲ定ムベシ但シ何人ト雖モ「フイリピン」ニ於テ法律學精ニ從事スルコトヲ許サレタル「フイリピン」市民タル者ニ非ザレバ石裁判所ノ判事ニ任命セラルルコトヲ得ズ

第九節

大審院判事及下級裁判所ノ一切ノ判事ハ年齢七十歳ニ達スルカ父ハ其ノ職務ヲ遂行シ能ハザルニ至ル迄ハ其ノ行狀善良ナル限り其ノ職ヲ保持スベシ右判事ハ法律ニ依リ定メラルル報酬ヲ受クベク該報酬ハ其ノ在職中徴領セラルルコトナカルベシ議會ハ施設ノ規定ヲ設クルニ至ル迄大審院長ハ一萬六千「ペソ」一ノ年俸ヲ受クベク又各陪審判事ハ一萬五千「ペソ」一ノ年俸ヲ受クベシ

第十節

條約又ハ法律ノ合憲性ノ問題ヲ含ム一切ノ事件ハ大審院ニ依リ其ノ全員ノ出席ノ上審理判決セラルベク又如何ナル條約又ハ法律ト雖モ大審院ノ全判事ノ三分ノ二ノ同意アルニ非ザレバ憲法違反ト宣告セラルルコトヲ得ズ

第十一節

判決ヲ求ムル爲大審院ニ付託セラレタル事件ニ關スル大審院ノ結論ハ大審院ノ意見ヲ記載スル爲右事件ガ一名ノ判事ニ割當テラルルニ先チ合議ノ上定メラルベシ決定ニ不同意ナル判事ハ其ノ不同意ノ理由ヲ陳述スベシ

第十二節

記録裁判所ハ判決ノ根據タル事實及法律ヲ判決中ニ明瞭ニ表示スルニ非ザレバ如何ナル判決ヲモ下スコトナカルベシ

第十三節

大審院ハ一切ノ裁判所ニ於ケル辯護、裁判手續及訴訟手續並ニ法律事務從事ノ許可ニ關スル規則ヲ公布スルノ權限ヲ有スベシ右規則ハ同一階級ノ一切ノ裁判所ニ對シテハ一律タルベク且右裁判所ノ本質的權利ヲ減少シ増加シ又ハ修正スルコトナカルベシ辯護、裁判手續及訴訟手續並ニ法律事務從事ノ許可ニ關スル規則トシテ宣告セララル但シ大審院法ニ依リ成文法トシテハ廢止セラレ裁判所規則トシテ宣告セララル但シ大審院ハ之ヲ變更シ及修正スルノ權限ヲ有スルモトス議會ハ辯護、裁判手續及訴訟手續並ニ「フイリピン」ニ於ケル法律事務從事ノ許可ニ關スル規則ヲ廢止シ、變更シ又ハ之ニ追補スルノ權限ヲ有スベシ

第九條 彈劾

第一節

大統領、副大統領、大審院判事及會計検査院長ハ罰セラルベキ憲法違反、叛逆、贈收賄又ハ他ノ重大犯罪ニ對スル彈劾及右ニ關スル有罪判決ニ因リ免職

セラルベシ

第二節

下院ハ其ノ全議員ノ三分ノ二ノ表決ニ依リ彈劾ノ權能ヲ專有スベシ

第三節

上院ハ一切ノ彈劾ヲ審理スルノ權能ヲ專有スベシ上院議員ハ石目的一ノ爲ニ會合スル場合ニハ宣誓ハ權言ヲ爲スベシ「フイリピン」大統領ガ審理ヲ受クル場合ニハ大審院長裁判長タルベシ何人ト雖モ上院ノ全議員ノ四分ノ三ノ同意アルニ非ザレバ有罪ノ判決ヲ受クルコトナカルベシ

第四節

彈劾事件ノ判決ハ免職及「フイリピン」政府ノ下ニ於テ名譽、信用又ハ利益ヲ伴フ職ニ就キ且之ヲ享有フルノ資格ノ剝奪以上ニ及ブコトナカルベシ但シ有罪ノ判決ヲ受ケタル當該百ハ石ニ拘ラズ法律ニ從ヒ訴追セラレ、審理セラレ且罰セラルベシ

第十條 選舉委員會

第一節

任命委員會ノ同意ヲ得テ大統領ニ依リ任命セラルベキ議長及他ノ二名ノ委員ヨリ成ル獨立ノ選舉委員會ハ設置セラルベシ右議長及委員ハ九年間在職スベク再任セラルコトヲ得ズ最初ニ任命セラレタル委員會ノ委員中一名ハ九年間、他ノ一名ハ六年間又第三ノ者ハ三年間在職スベシ選舉委員會ノ議長及他ノ委員ハ本法ニ規定セラルル方法ニ依リ彈劾ニ依リテノ免職セラルルコ

トヲ得

議會ガ別段ノ規定ヲ設クルニ至ル迄委員會ノ議長ハ一萬二千「ベソ」ノ年俸ヲ受ケ又他ノ委員ハ各一萬「ベソ」ノ年俸ヲ受クベシ右議長及他ノ委員ノ俸給ハ其ノ任期中増加セラレ又ハ減少セララルコトナカルベシ

第二節

選舉委員會ハ選舉執行ニ關スル一切ノ法律ノ施行及適用ヲ專ラ擔任シ且法律ニ依リ右委員會ニ付與セラルコトアルベキ他ノ一切ノ職務ヲ行使スベシ選舉委員會ハ表決權ヲ含ム問題ヲ除クノ外投票所ノ數及位置ノ決定並ニ選舉監視官及他ノ選舉官吏ノ任命ヲモ含ム選舉ニ關係アル一切ノ行政上ノ問題ヲ決定スベシ政府ノ一切ノ法律施行機關及代理機關ハ委員會ニ依リ要求セラレタルトキハ自由ニシテ秩序アリ且公平ナル選舉ヲ確保スル爲其ノ代理者トシテ行動スベシ委員會ノ決定、命令及口頭命令ハ大審院ニ依リ再審セララルコトアルベシ

第三節

選舉委員會ノ議長及委員ハ其ノ在職中ハ如何ナル職業ニモ従事スルコトナカルベク又其ノ職務ノ執行ニ依リ何等カノ影響ヲ受クルコトアルベキ私企業ノ經營又ハ管理ニ直接又ハ間接ニ關與シ取ハ政府又ハ其ノ部局若ハ代理檢閲トノ契約ニ直接又ハ間接ニ財的利害關係ヲ有スルコトナカルベシ

第四節

選舉委員會ハ選舉ガ執行セラレタル方法ニ關スル報告ヲ各選舉後大統領及議會ニ提出スベシ

第十一條 會計検査院

第一節

會計検査院長ノ指揮及統轄ノ下ニ會計検査院ガ設置セラルベシ會計検査院長ノ任期ハ十年トシ再任セラルコトヲ待ズ會計検査院長ハ任命委員會ノ同意ヲ得テ大統領之ヲ任命シ法律ニ依リ定メラルベキ年俸ヲ受クベシ右年俸ハ其在職中減額セラルコトナカルベシ議會ガ別段ノ規定ヲ設クルニ至ル迄會計検査院長ハ一萬二千「ペソ」ノ年俸ヲ受クベシ

第二節

會計検査院長ハ如何ナル財源ヨリ入ルモノタルヲ問ハズ公債ノ發行ヨリ生ジタル信託基金ヲモ含メル威入及收入ニ歸スル一切ノ勘定ヲ審查シ、検査シ及決濟シ且政府又ハ具ノ州若ハ市町村ニ屬シ或ハ信託トシテ此等ニ依リ保管セラレタル基金又ハ財産ノ一切ノ支出ヲ法律及行政規則ニ從ヒ検査スベシ會計検査院長ハ政府ノ一歲計算書ヲ保持シ之ニ關スル證據書類ヲ保存スベシ基金又ハ財産ノ支出ニシテ自己ニ於テ反則、不必要、過大又ハ法外ナリト認ムルモノニ付關係行政官吏ノ注意ヲ喚起スルハ會計検査院長ノ職務トス會計検査院長ハ法律ニ依リ規定セラルコトアルベシ他ノ職務ヲモ遂行スベシ

第三節

會計検査院長ノ決定ハ法律ニ依リ定メラレタル期間内ニ爲サルベシ右決定ニ關シテハ大統領ニ對シ訴願ヲ爲スコトヲ得大統領ノ決定ハ最終的ナリトス權利ヲ害セラレタル當事者ガ私人又ハ團體ナル場合ニハ會計検査院長ノ決定ニ對スル訴願ハ法律ニ依リ定メラレタル方法ニ依リ記録裁判所ニ直接提出セラレルコトヲ得

第四節

會計検査院長ハ政府ノ財政上ノ狀態及運用ニ關スル年報並ニ必要ナルコトアルベキ他ノ報告ヲ大統領及議會ニ提出スベシ

第十二條 民政廳

第一節

政府ノ一切ノ部門及部局ヲ管ム民政廳ハ法律ヲ以テ設置セラルベシ民政廳ニ於ケル任命ハ政令ノ決定ニ關スルモノ、本來秘密ヲ要スルモノ又ハ性質上高度ニ専門的ナルモノヲ除クノ外詔ヲ限リ競争試験ニ依リ決定セラルベキ成及適應性ニ從ヒ行ハルベシ

第二節

軍人ヲ含メル民政廳ノ官吏及雇傭人ハ直接又ハ間接ニ政黨の政治活動ニ從事シ又ハ投票ヲ除キ如何ナル選舉ニモ關與スルコトナカルベシ

第三節

政府ノ官吏又ハ雇傭人ハ法律ニ依リ得ニ許サレタルニ非ザレバ追加又ハ二重ノ俸給ヲ受クルコトナカルベシ

第四節

民政廳ノ官吏又ハ雇傭人ハ法律ニ依リ定メラレタル事由ニ基ク場合ヲ除クノ外免職セラレ又ハ休職ヲ命ゼラルルコトナスルベシ

第十三條

天然資源ノ保存及利用

第一節

「フイリピン」ノ公有地ノ一切ノ農地、採木地及採鑛地、水、鑛物、石炭、石油及他ノ鑛油、潛在「エネルギー」ノ一切ノ力竝ニ他ノ天然資源ハ國ニ屬シ其ノ處分、採取、開發又ハ利用ハ「フイリピン」市民又ハ資本ノ少クトモ六十「パーセント」ガ「フイリピン」市民ニ所有セラルル會社若ハ組合ニ局限セラルベシ但シ本法ニ基ク政府ノ創立ノ時ニ現存スル一切ノ權利、許可、借地權又ハ特權ハ此ノ限ニ在ラズ天然資源ハ公有農地ヲ除クノ外讓渡セラルルコトナカルベク又何レノ天然資源ノ採取開發又ハ利用ニ關スル免許、特許又ハ租借モ二十五年ヲ超ユル期間ニ付許可セラルルコトナカルベシ右許可ハ更ニ二十五年ニ付更新セラルルコトヲ得但シ灌溉、給水、漁業又ハ水力開發以外ノ工業的用途ニ關スル水利權ニ關シテハ此ノ限ニ在ラズ此ノ場合ニ於テハ有益ナル使用ヲ以テ許可ノ標準及限度トス

第二節

如何ナル私立會社又ハ組合ト雖モ千二十四ヘクタールヲ超ユル公有農地ヲ取得シ、賃借シ又ハ保有スルコトヲ得ス又如何ナル個人ト雖モ右土地ヲ購入ニ依リ百四十四ヘクタール

ル、賃借ニ依リ千二十四ヘクタール又ハ開墾地特別分譲ニ依リ二十四ヘクタールヲ超エ取得スルコトヲ得ズ二千ヘクタールヲ超エザル牧畜ニ適スル土地ハ之ヲ個人、私立會社又ハ組合ニ賃貸スルコトヲ得

第三節

議會ハ個人、會社又ハ組合ガ取得保有シ得ル私有農地ノ面積ヲ法律ヲ以テ決定スルコトヲ得但シ右法律ノ制定前ニ存在スル權利ハ此ノ限ニ在ラズ

第四節

議會ハ小區域ニ分配ヤラレ且賃借ヲ以テ個人ニ譲渡セラルベキ土地ヲ公正ナル補償ヲ支拂ヒテ收用スルノ權限ヲ付與スルコトヲ得

第五節

相續ニ依ル繼承ノ場合ヲ除キ如何ナル私有農地ト雖モ「フイリピン」ニ於テ公有地ニ屬スル土地ヲ取得シ又ハ保有スルノ資格ヲ有スル個人、會社若ハ組合以外ニ對シ移轉ヤラレ又ハ譲渡セラルルコトナカルベシ

第六節

國ハ國民ノ福祉又ハ國防ノ爲產業並ニ運輸及通信ノ機關ヲ創設經營シ又政府ニ依リ經營セラルル爲公正ナル補償ヲ支拂ヒテ公益事業及他ノ私企業ヲ公有ニ移スコトヲ得

第十四條 一般規定

第一節

「フィリピン」ノ國旗ハ「フィリピン」國民ニ依リ神聖視セラレ尊敬セラレ且法律ニ依リ認メラレ居ル一箇ノ太陽及三箇ノ星ヲ配ナル赤色、白色及青色トス

第二節

一切ノ官吏及軍人ハ憲法ヲ支持シ且之ヲ擁護スル旨ノ宣誓ヲ爲スベシ

第三節

議會ハ現存土語ノ一ヲ基礎トスル共通國語ノ編纂及採用ニ資スル指圖ヲ軌ルベシ法律ニ別段ノ規定ナキ限り「イギリス」語及「スペイン」語ハ引續キ公用語タルベシ

第四節

國ハ科學上ノ研究及發明ヲ助長スベシ美術及文藝ハ國ノ保護ヲ受クベシ著作物及發明品ニ對スル獨占權ハ一定ノ期間内著作者及發明者ニ對シ保障セラルベシ

第五節

一切ノ教育機關ハ國ノ監督及統制ノ下ニ置カルベシ政府ハ完全且適當ナル公衆教育制度ヲ創設維持シ且少クとも無料ノ公衆初等教育及成年市民ニ對スル市民訓練ヲ施スベシ一切ノ學校ハ德性、個人的紀律、市民的良心並ニ職業的能率ヲ啓發スルコト並ニ市民ノ義務ヲ教フルコトヲ目的ト

スベシ選擇的ナル宗教教育ハ現在法令ニ依リ計サルル如ク公立學校ニ於テ維持セラルベシ國ニ依リ設立セラレタル大學ハ學問ノ自由ヲ享有スベシ國ハ特ニ才能アル市民ノ爲ニ美術、科學及文藝ニ關スル獎學金制度ヲ設クベシ

第六節

國ハ勞働者特ニ勞働ニ從事スル女子及未成年者ニ對シ保護ヲ與フベク又地主ト小作人トノ間竝ニ産業及農業ニ於ケル勞資間ノ關係ヲ調整スベシ國ハ強制調停ニ關シ規定ヲ設クルコトヲ得

第七節

議會ハ一般的法律ヲ以テスル場合ヲ除クノ外私立會社ノ設立、組織又ハ取締ニ關シ規定ヲ設クルコトナカルベシ但シ社會社ガ政府又ハ其ノ部局若ハ代理機關ニ依リ所有セラレ又ハ管理セラルル場合ハ此ノ限ニ在ラズ

第八節

公益事業ノ經營ニ關スル如何ナル特許、免許又ハ他ノ如何ナル形式ノ許可ト雖モ「フリーピン」市民又ハ「フリーピン」ノ法律ニ基キ組織セラレタル會社若ハ他ノ團體ニシテ其ノ資本ノ六十「パーセント」ガ「フリーピン」市民ニ依リ保有セラルルモノニ對スル場合ヲ除クノ外付與セラルコトナカルベク又右ノ特許、免許又ハ許可ハ性質上獨占的タルコト又ハ五十年ヲ超ユル期間ニ對スルモノタルコトナカルベシ如何ナル特許

又ハ權利ト雖モ公益上必要アル場合ニハ議會ニ依リ修正セラレ、變更セラレ又ハ取消サルコトアルベシトノ條件ノ下ニ於テニ非ザレバ如何ナル個人、商社又ハ會社ニ對シテモ許與ヤラルルコトナカルベシ

第九節

政府ハ公ノ秩序ヲ維持シ及法律ヲ施行スル爲國民警察隊ヲ組織シ且之ヲ維持スベシ

第十節

本憲法ハ「イギリス」語及「スペイン」語ニ依リ公式ニ公布ヤラルベシ但シ紛争アル場合ニハ「イギリス」語ノ本文ニ據ルベシ

第十五條 修正

第一節

議會ハ各別ニ投票ヲ爲ス上院及下院ノ全議員ノ四分ノ三ノ表決ニ依リ合同總會ニ於テ本憲法ニ對スル修正ヲ提議シ又ハ右目的ノ爲會議ヲ招集スルコトヲ得右修正ハ該修正ガ人民ノ承認ヲ求ムル爲之ニ提出ヤラルル選舉ニ於テ爲サレタル投票ノ過半数ニ依リ承認ヤラレタルトキハ本憲法ノ一部トシテ有效タルベシ

第十六條 過渡的規定

第一節

本憲法中ニ規定ヤラルル官吏ノ第一回選舉及「フイリピン」聯邦政府ノ

創立ハ千九百三十四年三月二十四日ニ裁可ヤラレタル合衆國議會ノ公共法律第二百二十七號ニ規定ヤラルル所ニ從ヒ行ハルベシ

第二節

「フィリピン」諸島ノ一切ノ法律ハ「フィリピン」聯邦ノ創立ニ至ル迄引續キ效力ヲ有スベシ爾後右法律ハ本憲法ニ抵觸マザル限ニ於テハ「フィリピン」議會ニ依リ修正ヤラレ、改正ヤラレ、變更ヤラレ又ハ廢棄ヤラルルニ至ル迄引續キ有效タルベク又右法律中ニ於テ「フィリピン」諸島ノ政府又ハ官吏ト稱スルハ適用シ得ル限ニ於テ本憲法ノ下ニ於ケル政府及右官吏ニ該當スル官吏ヲ指スモノト解ヤラルベシ

第三節

本憲法採擇ノ際ニ現存スル一切ノ裁判所ハ本憲法ニ從ヒ法律ニ依リ別段ノ規定ガ設ケラルルニ至ル迄存続スベク又右裁判所ニ繫屬スル一切ノ民事及刑事ノ事件ハ當該時ニ實施中ノ法律ニ基キ審理ヤラレ、裁判ヤラレ且判決ヤラルベシ

第四節

「フィリピン」諸島ノ現存政府ノ下ニ於ケル一切ノ官吏及雇傭人ハ議會ガ別ノ規定ヲ設クルニ至ル迄引續キ存続スベシ但シ本憲法ニ依リ任命スル大統領ニ付與ヤラレタル一切ノ官吏ハ其ノ後任者ノ任命ガ「フィリピン」聯邦ノ創立ノ日より一年ノ期間内ニ爲サル場合ニハ右後任者ノ

任命及資格具備ト共ニ各自ノ職ヲ進クベシ

第五節

「マウンテイン」州ヲ代表スル下院議員ハ法律ノ定ムル所ニ從ヒ選舉セラルベシ從前特殊ノ州ニ屬シ現在普通ノ州ノ一部ヲ構成スル市町村及自治的區域ノ投票人ハ下院議員ノ選舉ニ於テハ法律ニ依リ定メラルル地方ニ於テ投票スベシ

第六節

本法ノ規定ハ本條及第五條ニ掲ゲラルル規定竝ニ本法ニ基キ選舉セラルベキ官吏ノ選舉及資格ニ關スル規定ヲ除クノ外「フィリピン」聯邦ノ創立ニ至ル迄效力ヲ生ザサルベシ

第十七條 「フィリピン」獨立ノ公布ト同時ニ效力ヲ生ズル特別規定

第一節

合衆國大統領ノ「フィリピン」獨立承認ノ布告ト同時ニ
 (一) 合衆國及「フィリピン」ノ財產權ハ速ニ調整解決セラルベク又合衆國ノ市民又ハ會社ノ一切ノ現存財產權ハ「フィリピン」市民ノ財產權ト同一程度ニ承認セラレ、尊重セラレ且保護セラルベシ
 (二) 本法ニ基キ選舉セラレ且服務シ居ル官吏ハ「フィリピン」自由獨立政府ノ憲法上ノ官吏タリ且右政府ノ下ニ於テ直接選舉セラレタルト同様ニ一切ノ事項ニ付職務執行ノ資格ヲ有スベク又本法ニ定メラルル

所ニ從ヒ全任期中服務スベシ

(三)「フイリビン」其ノ州、都市、町村及代理機關ノ負債並ニ債務ニシ

テ合衆國ノ主權ノ最終的且完全ナル撤回ノ時ニ於テ有效ニ存在シ居ル

モノハ「フイリビン」自由獨立政府ニ依リ繼承セラルベシ又合衆國議

會ノ法律ニ基キ「フイリビン」諸島或ハ右諸島内ノ州又ハ都市若ハ町

村ニ依リ公債ガ發行セラル居ル場合ニハ「フイリビン」政府ハ元金及

利子ノ支拂ノ爲ニ必要ナル基金ヲ充分準備スベク且右債務ハ徵收セラ

ルル一切ノ租税ニ對スル第一留置權ヲ構成スベシ

(四)「フイリビン」政府ハ「フイリビン」諸島ヲ合衆國ニ譲渡セラルベ

イン「國」トノ平和條約ニ基ク合衆國ノ一切ノ存続債務ヲ繼承スベシ

(五)「フイリビン」政府ハ本條ノ前諸規定(但シ(二)ヲ除ク)ヲ合衆國トノ

條約中ニ相入スベシ

第十八條 聯邦ト共和國

第一節

本憲法ニ依リ創立セラル政府ハ「フイリビン」聯邦ト稱セラルベシ合

衆國ノ主權ノ最終的且完全ナル撤回及「フイリビン」ノ獨立ノ公布ト共

ニ「フイリビン」聯邦ハ爾後「フイリビン」共和國ト稱セラルベシ

憲法附屬ノ命令

第一節

前記憲法ノ規定ニ拘ラズ「フィリピン」ニ對スル合衆國ノ主權ノ最終的
且完全ナル撤回アル迄ハ

(一)「フィリピン」ノ一切ノ市民ハ合衆國ニ對シ忠順ノ義務ヲ負フベシ

(二)「フィリピン」聯邦政府ノ一切ノ官吏ハ其ノ職務ノ執行ニ著手スルニ

先チ合衆國ノ至上ノ權力ヲ承認受諾シ且合衆國ニ對シ偽ナキ信義及忠

順ヲ維持スベキ旨ヲ特ニ宣言セル就任宣誓ヲ爲シ且之ニ署名スベシ

(三)宗教心ニ對スル絕對的寛容ハ保障セラレク且如何ナル住民又ハ宗教

團體ト雖モ宗教的信仰又ハ禮拜形式ニ因リ身體又ハ財産ニ礙シ妨害ヲ

蒙ルコトナカルベシ

(四)財産ニシテ合衆國ノ所有スルモノ、墓地、教會及教會附屬ノ牧師住宅

又ハ修道院並ニ專ラ宗教的、慈善的又ハ教育的目的ニ使用セララルル一

切ノ土地、建築物及其ノ改修ハ租税ヲ免除ヤフルベシ

(五)「フィリピン」ト合衆國トノ間ノ通商關係ハ十九百三十九年八月七日

ニ裁可セラレタル合衆國議會法律ニ依リ修正セラレタル千九百三十四

年三月二十四日ニ裁可セラレタル合衆國議會公共法律第百二十七號第

六條ニ定メラルル基礎ノ上ニ置カルベシ

(六)「フィリピン」及其ノ從屬部門ノ公債ハ合衆國議會ニ依リ現在又ハ今

後定メラルル限度ヲ超ユルコトナカルベク又合衆國大統領ノ裁可ナク

シテハ如何ナル借款ト雖モ外國ニ於テ締結セララルルコトナカルベシ

- (四) 「フイリピン」諸島ノ現政府、其ノ州、市町村及代理機關ノ負債、債務及義務ニシテ本憲法採擇ノ時ニ有效ニ存在スルモノハ「フイリピン」聯邦政府ニ依リ繼承セラレ且支拂ハルベシ
- (五) 「フイリピン」聯邦政府ハ主トシテ「イギリス」語ニ依リ授業セラルル適當ナル公立學校制度ヲ設ケ且之ヲ維持スベシ
- (六) 通貨、鑄貨、輸入、輸出及移民ニ關スル法案ハ合衆國大統領ニ依リ裁可セラルルニ至ル迄ハ法律ト爲ルコトナカルベシ
- (七) 對外事務ハ合衆國ノ直接ノ監督及統轄ノ下ニ在ルベシ
- (八) 「フイリピン」議會ニ依リ可決セラレタル一切ノ法案ハ合衆國議會ニ報告セラルベシ
- (九) 「フイリピン」ハ公共ノ用ニ供スル爲財產ヲ收用シ、「フイリピン」ニ於テ軍用其ノ他ノ特別地域及武裝軍隊ヲ維持シ竝ニ「フイリピン」聯邦政府ニ依リ組織セラレタル一切ノ軍隊ヲ合衆國大統領ノ命令アルトキ右武裝軍隊ニ編入シ得ルノ合衆國ノ權利ヲ承認ス
- (十) 「フイリピン」ノ裁判所ノ決定ハ現在法律ヲ以テ規定セラルル所ニ從ヒ合衆國大統領ニ依リ再審理ニ付セラルベク且右再審理ハ「フイリピン」憲法ニ關係アル一切ノ事件ニモ及ブベシ
- (十一) 會計検査院長ノ決定ニ對スル訴訟ハ合衆國大統領ニ提出セラルルコトヲ得

- (十五) 合衆國ハ「フィリピン」聯邦政府ノ維持ノ爲、「フィリピン」憲法ニ規定セラルル政府ノ維持ノ爲、生命、財産及個人ノ自由ノ保護ノ爲並ニ右憲法ノ規定ニ基キ及之依ル政府ノ義務ノ履行ノ爲干涉ヲ爲スノ權利ヲ大統領布告ヲ以テ行使スルコトヲ得
- (十六) 千九百三十四年三月二十四日ニ裁可セラレタル合衆國議會公共法律第百二十七號ニ定メラルル「フィリピン」聯邦政府ニ派遣ノ合衆國高級委員ノ權能ハ本命令ニ依リ承認セラル
- (十七) 合衆國ノ市民及會社ハ「フィリピン」聯邦ニ於テ「フィリピン」聯邦ノ市民及會社ノ市民權ヲ夫々享有スベシ
- (十八) 「フィリピン」憲法ニ對スル合法的ニ採擇セラレタル一切ノ修正ハ裁可ヲ受クル爲合衆國大統領ニ提出セラルベシ大統領ニ於テ右修正ヲ裁可スルカ又ハ右提出ノ時ヨリ六月以内ニ右修正ヲ否認セザル場合ニ於テハ右修正ハ右憲法ノ一部分トシテ效力ヲ生ズベシ
- (十九) 合衆國大統領ハ「フィリピン」聯邦政府ノ法律、契約又ハ執行命令ニシテ自己ニ於テ「フィリピン」聯邦政府ガ其ノ契約ヲ履行セズ、其ノ公債及該公債ノ利子ヲ支拂ハズ若ハ其ノ負債基金ニ對シ準備ヲ爲サザルノ結果ニ終ルベシト認ムルモノ、「フィリピン」ノ通貨ノ保護ノ爲ノ準備金ヲ管スルノ虞アリト認メラルモノ又ハ自己ニ於テ合衆國ノ國際義務ニ違反スベシト認ムルモノノ效力發生又ハ施行ヲ停止スル

二、權能ヲ有スベシ

(二十)「フィリピン」聯邦大統領ハ「フィリピン」聯邦政府ノ活動及運用

ニ關シ合衆國ノ大統領及議會ニ對シ毎年報告ヲ爲スベク且右大統領又ハ議會ノ要求スルコトアルベキ他ノ報告ヲ爲スベシ

第二節

「フィリピン」ニ對スル合衆國ノ主權ノ最終的且完全ナル撤回アル迄ハ合衆國ニ派遣ノ常駐「フィリピン」委員ヲ設クベシ右委員ハ任命委員會ノ同意ヲ經テ「フィリピン」聯邦大統領ニ依リ任命セラルベシ右常駐委員ノ權能及職務ハ千九百三十四年三月二十四日ニ認可セラレタル合衆國議會公法律第百二十七號第七條第五項ニ規定セラルモノ及「フィリピン」議會ノ決定スルコトアルベキ他ノ職務トス右常駐委員ノ資格、俸給及費用ハ法律ヲ以テ定メラルベシ

第三節

千九百三十九年八月七日ニ認可セラレタル合衆國議會法律ニ依リ修正セラレタル千九百三十四年三月二十四日ニ認可セラレタル合衆國議會公法律第百二十七號ノ他ノ一切ノ規定ニシテ「フィリピン」聯邦政府ニ適用セラレ得ルモノハ本附屬命令中ニ明白ニ挿入セラレ居タリシト同様ニ本附屬命令ニ依リ其ノ一部ト爲サル

文書ノ出所並ニ成立ニ關スル證明書

(三號)

自分祇譽ハ外務省文書課長ノ職ニ居ル者ナル處、茲ニ添附セラレタル英文
ニ依ツテ書カレ三九頁ヨリ成ル CONSTITUTION OF THE PHILIPPINES
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ニシテ眞實ナル寫シナルコトヲ證明ス。

昭和二十二年十二月十日 於東京

林

親筆

右署名捺印ハ自分ノ面前ニ於テ爲サレタリ

同日於同所

立會人 佐 武五郎